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Attorneys for Defendant
MEDITERRANEAN SHIPPING COMPANY, S.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LIBERTY MUTUAL GROUP INC.
as subrogee of BODGER SEEDS, LTD

08 Civ. 00223 (JSR)

Plaintiff,

- against -

MEDITERRANEAN SHIPPING COMPANY S.A.

**NOTICE OF MOTION
FOR SUMMARY
JUDGMENT**

Defendant.
-----X

SIRS:

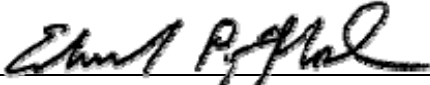
PLEASE TAKE NOTICE, that upon the annexed Rule 56.1 Statement, the Affirmation of Edward P. Flood, the Affirmation of Stefaan Deconinck, and the Affirmation of Captain Arun Jolly, with exhibits, sworn to the 7th day of August, 2008, the Memorandum of Law, and all the pleadings and proceedings had herein, the undersigned will move this Honorable Court at the United States District Courthouse, located at 500 Pearl Street, New York, New York, as soon as counsel can be heard, for an Order:

- (1) Pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Defendant MEDITERRANEAN SHIPPING COMPANY, S.A. ("MSC") summary judgment requesting a judicial determination that MSC is not liable for the alleged cargo damage under the Carriage of Goods By Sea Act; and

- (2) Granting to MSC such other, further, and different relief as the Court may deem just and proper.

Dated: August 8, 2008

LYONS & FLOOD, LLP
Attorneys for Defendant
MEDITERRANEAN SHIPPING COMPANY, S.A.

By: 

Edward P. Flood (EF F-5797)
65 West 36th Street, 7th Floor
New York, New York 10018
(212) 594-2400

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CERTIFICATE OF SERVICE

Erika Tax declares and states that:

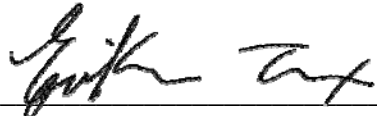
I am not a party to these actions, am over 18 years of age and reside in Queens, New York. I am an employee with Lyons & Flood, LLP, attorneys for Defendant MEDITERRANEAN SHIPPING COMPANY, S.A., with offices at 65 West 36th Street, 7th Floor, New York, New York 10018.

On August 8, 2008, I served true copies of the Notice of Motion for Summary Judgment, Rule 56.1 Statement, and Affirmations of Edward P. Flood, Stefaan Deconinck and Captain Arun Jolly in Support upon:

BADIAK & WILL, LLP
Attorney for Plaintiff
106 Third Street
Mineola, New York 11501
Attn: Alfred J. Will, Esq.
Firm Ref: 07-J-011-AW

by U.S. Mail, first-class postage pre-paid, addressed to the last known address of the addressees as indicated above.

Executed on: August 8, 2008



Erika Tax